

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

---

UNITED STATES OF AMERICA,  
Plaintiff,

Crim. No. 1:11-cr-00627-NLH-1

v.

**OPINION AND ORDER**

ELIJAH BURKS,  
Defendant.

---

**APPEARANCES:**

JOSEPH MCFARLANE, AUSA  
UNITED STATES ATTORNEY'S OFFICE  
400 MARKET STREET, FOURTH FLOOR  
CAMDEN, NJ 08101

*Attorney for the United States of America*

ELIJAH BURKS  
INMATE NO. 63232-050  
MCKEAN FEDERAL CORRECTIONAL INSTITUTION  
Inmate Mail/Parcels  
P.O. BOX 8000  
BRADFORD, PA 16701

*Defendant Pro se*

**HILLMAN, District Judge**

WHEREAS, in April 2012 Defendant Elijah Burks plead guilty to one count of Possession of a Weapon by Convicted Felon pursuant to 18 U.S.C. § 922(g)(1) and was thereafter sentenced to imprisonment for a term of 108 Months to run consecutively to any previous state or federal sentence; and

WHEREAS, Defendant is incarcerated at McKean Federal Correctional Facility; and

WHEREAS, on December 12, 2023 Defendant filed an Emergency Motion for Furlough to Attend Family Funeral (ECF 55), seeking furlough to attend his aunt's funeral; and

WHEREAS, on January 2, 2024, this Court ordered the Government to file a response (ECF 56); and

WHEREAS, on January 8, 2024, the Government filed a response opposing Defendant's Motion (ECF 57); and

WHEREAS, in its Response the Government advised of its understanding that the funeral had already occurred on December 23, 2023 (ECF 57 at 1); and

WHEREAS, the Government further argued that this Court does not have the authority to approve a furlough request (Id.); and

WHEREAS, a request for a furlough is not within this Court's authority. United States v. Pawlowski, No. 17-390, 2020 WL 2526523, at \*1 (E.D. Pa. May 18, 2020), aff'd, 967 F.3d 327 (3d Cir. 2020) ("Although the Court lacks authority to grant [Defendant] temporary release, the Bureaus of Prisons (BOP) possesses the authority to do so under the furlough statute, 18 U.S.C. § 3622."); and

THEREFORE, it is on this 9th day of January, 2024,

**ORDERED** that Defendant's Emergency Motion for Furlough (ECF 55) be, and the same hereby is, DENIED.

At Camden, New Jersey

s/ Noel L. Hillman  
NOEL L. HILLMAN, U.S.D.J.